

REMARKS

Claims 1, 12, 13, and 16 are pending in this application. Claims 1, 13, and 16 are amended by this response. Support for the amendments is as follows: Claim 1 (Specification, page 22, l. 16–p. 23, l. 4; p. 31, l. 1-2; p. 46, lines 14-17); Claims 13 and 16 (amended to correct dependency). Claims 2-11, 14-15 and 17-18 are canceled herein. No new matter is added.

Claims 1-7, 14 and 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. (Office Action p. 2)

Applicants have amended claim 1 to more clearly recite the remedy. Claims 2-7, 14, and 17 are canceled making their rejection now moot. The specification provides ample guidance, for example on pages 23-27, which detail the remedy through description and comparisons to Pharmaceutical Research publications. Also, the specification provides approximately 30 pages of working examples starting on page 30. The working examples detail aspects of the PLGA fine particle formation such as preparation and release to facilitate phagocytic activity of macrophages as recited in Claim 1. The teachings of the specification and knowledge of one of skill in the art enables the skilled practitioner to practice the full scope of the invention as now claimed without having to resort to undue experimentation. The Applicant respectfully request reconsideration of the rejection under 35 U.S.C. 112, first paragraph.

Claims 1-7 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. (Office Action p. 6)

Applicants have amended claim 1. The other rejected claims have been canceled. Applicants respectfully request reconsideration of the rejection under 35 U.S.C. 112, second paragraph.

Claims 1-10 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Hara et al. (O'Hara et al., Respirable PLGA Microspheres Containing Rifampicin for the Treatment of Tuberculosis: Manufacture and Characterization, Pharmaceutical Research, 2000, 17(8), 955-961). (Office Action p. 6)

O'Hara et al. disclose a targeted delivery of rifampicin loaded microspheres to the alveolar macrophage for the treatment of pulmonary tuberculosis. (O'Hara et al., Purpose section) The

Office Action cites to the molecular weight of PLGA as 82,500 in O'Hara et al. (O'Hara et al., Materials and Methods section)

Amended claim 1 recites a remedy with phagocytic activity of macrophages being facilitated by the incorporation into macrophages a particle formulation of a PLGA [poly(lactic acid/glycolic acid) copolymer] containing a medicament with the molecular weights of PLGA of between 5,000 to 10,000. This molecular weight range of PLGA is significantly less than that taught in O'Hara et al.

O'Hara et al. do not disclose the molecular weight range of PLGA between 5,000 to 10,000. Therefore, the reference cannot possibly anticipate the claimed invention. Applicants respectfully request withdrawal of the rejection under 35 U.S.C. 102(b).

Claims 1-11 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,248,345 (hereinafter '345). (Office Action p. 7)

The Office Action cites Example 9 of the '345 patent for the disclosure of microspheres comprising PLGA wherein the polymer has a molecular weight of 18,000 daltons.

Applicants have amended claim 1, as discussed above, to recite a remedy with phagocytic activity of macrophages being facilitated by the incorporation into macrophages a particle formulation of a PLGA [poly(lactic acid/glycolic acid) copolymer] containing a medicament with the molecular weights of PLGA of between 5,000 to 10,000. This molecular weight range of PLGA is significantly less than that taught in '345.

The '345 patent does not disclose, much less suggest the molecular weight range of PLGA between 5,000 to 10,000. Therefore, the reference cannot possibly anticipate the claimed invention. Applicants respectfully request withdrawal of the rejection under 35 U.S.C. 102(b).

Claims 1-7, 12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent No. 1,739,064 (hereinafter '064). (Office Action p. 8)

The '064 patent discloses the process for the manufacture of a sugar product.

The '064 patent does not anticipate the claimed invention. The '064 patent fails to disclose or even suggest a remedy with phagocytic activity of macrophages being facilitated by the incorporation into macrophages a particle formulation of a PLGA [poly(lactic acid/glycolic acid) copolymer] containing rifampicin.

The '064 patent cannot possibly anticipate the claimed invention as it does not teach or disclose the elements of amended claim 1. Applicants respectfully request withdrawal of the rejection under 35 U.S.C. 102(b).

Claims 1-7, 14 and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent No. 5,346,891 (hereinafter '891). (Office Action p. 8)

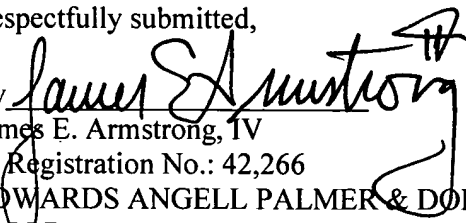
The '891 patent discloses three glucose-fermentative gram-negative small bacilli that produce lipopolysaccharides. The Office Action states that the '891 patent "does not disclose all the characteristics and properties of the composition disclosed in the present claims." (Office Action, p. 8) The '891 patent fails to disclose or even suggest a remedy with phagocytic activity of macrophages being facilitated by the incorporation into macrophages a particle formulation of a PLGA [poly(lactic acid/glycolic acid) copolymer] containing rifampicin. Further, Applicants have deleted claims 2-7, 17 and 18 rendering the rejection of these claims moot. The Applicants respectfully request withdrawal of the rejection under 35 U.S.C. 102(b).

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

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Respectfully submitted,

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